REMARKS

Claims 13-25 are pending in the application. The status of these claims is as follows:

Claims / Section	35 U.S.C. Sec.	References / Notes
15, 16, 18-21 & 23	Objection/Allowable	• Dependent upon rejected base claim(s), but otherwise allowable
13, 14, 17, 22, 24 & 25	§102(b) Anticipation	• Heide, et al. (WO 02/03096).

Applicants have provided the following discussion for distinguishing the prior art from the independent claims of the application below.

Applicants thank the Examiner for indicating the allowability of claims 15, 16, 18-21 and 23.

Applicants' use of reference characters below is for illustrative purposes only and is not intended to be limiting in nature unless explicitly indicated.

35 U.S.C. §102(b), CLAIMS 13, 14, 17, 22, 24 & 25 ANTICIPATION BY HEIDE

1. Heide fails to teach or suggest the device the device being usable as a receiver if the oscillator is not modulated by the clock generator, and the device being usable as a transmitter if the oscillator is modulated by the clock generator in its quasi-phase-coherent activation capability and in at least one of its amplitude, phase, and frequency.

Applicants have relied upon the disclosure of U.S. Patent No. 6,894,572 as being essentially equivalent to that of German-language International Patent Publication No. WO 02/0396 since the '572 Patent is a national stage entry for

this International Patent Application and since no new matter may be added in the national stage entry.

In Hilde's discussion of Figures 2 and 3 (columns 7 & 8), there is no teaching or suggestion as to the last element of claim 13 being met by this reference, namely, the device being usable as a receiver if the oscillator is not modulated by the clock generator, and the device being usable as a transmitter if the oscillator is modulated by the clock generator in its quasi-phase-coherent activation capability and in at least one of its amplitude, phase, and frequency.

Nor does the Examiner explain, in the first paragraph of p. 3 of the OA, how the elements of Heide are being read on the last element of the claim—there is no discussion as to how the devices is usable as a receiver and a transmitter depending on whether or not the oscillator is or is not modulated by the clock generator.

In order to anticipate a claim, a reference must disclose each and every claimed element. In the event that this rejection is maintained, the Applicants respectfully request that the Examiner carefully spell out how Heide teaches use of the device as a receiver if the oscillator is not modulated by the clock generator and as a transmitter if the oscillator is modulated by the clock generator.

2. Heide fails to teach or suggest a required element of independent claim 22, namely the transponder system configured to determine a distance between the transmitter and the receiver by using a base signal transmitted from

the receiver to the transmitter and a signal transmitted back from the transmitter to the receiver which is quasi-phase-coherent with respect to the base signal.

Heide provides no teaching or suggestion as to the third element of claim 22, and this element is not met by this reference, namely, the transponder system configured to determine a distance between the transmitter and the receiver by using a base signal transmitted from the receiver to the transmitter and a signal transmitted back from the transmitter to the receiver which is quasi-phase-coherent with respect to the base signal.

In the OA, on p. 3, the Examiner does not provide any indication as to how the determination of a distance is taught or suggested by Heide. Applicants respectfully assert that such a disclosure cannot be found in Heide.

3. Heide fails to teach or suggest activating an oscillator in a quasi-phase-coherent manner with respect to the base signal by way of the base signal, and oscillating the oscillator in response to the activation, the oscillator actively generating a quasi-phase-coherent oscillator signal to be transmitted by way of the oscillation.

Heide provides no teaching or suggestion as to the second and third elements of claim 24, and there is no indication that these limitations are being met by this reference, namely, the transponder system configured to determine a distance between the transmitter and the receiver by using a base signal transmitted from the receiver to the transmitter and a signal transmitted back from the transmitter to the receiver which is quasi-phase-coherent with respect to the base signal.

In the OA, on p. 3, the Examiner does not provide any indication as to how a responsive oscillation occurs in response to activating the oscillator in a quasi-phase-coherent manner, the oscillator actively generating a quasi-phase-coherent oscillator signal to be transmitted by way of the oscillation.

Given the lack of teaching of these elements of the independent claims by Heide, Applicants respectfully assert that the Examiner has not met the burden of establishing a prima facie case of anticipation for the claims. In the event that this rejection is maintained, the Applicants respectfully request that the Examiner provide, in detail, how each of the elements of each of the independent claims is met.

For these reasons, the Applicant asserts that the claim language clearly distinguishes over the prior art, and respectfully request that the Examiner withdraw the §102 rejection from the present application.

CONCLUSION

Inasmuch as each of the objections have been overcome by the amendments, and all of the Examiner's suggestions and requirements have been satisfied, it is respectfully requested that the present application be reconsidered, the rejections be withdrawn and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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